

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

FELICIA ANTHONY

APPELLANT,

**v.
DIVISION OF EMPLOYMENT SECURITY**

RESPONDENT.

DOCKET NUMBER WD73489

DATE: November 8, 2011

Appeal From:

Labor and Industrial Relations Commission

Appellate Judges:

Division Three: Karen King Mitchell, Presiding Judge, James M. Smart, Jr., Judge and Gary D. Witt, Judge

Attorneys:

Felicia Anthony, Appellant Pro Se.

Roger Dyer and Larry R. Ruhmann, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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APPELLANT,

v.

DIVISION OF EMPLOYMENT SECURITY,

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No. WD73489

Labor and Industrial Relations Commission

Before Division Three: Karen King Mitchell, Presiding Judge, James M. Smart, Jr., Judge and Gary D. Witt, Judge

Felicia Anthony appeals the decision of the Labor and Industrial Relations Commission denying her unemployment benefits.

REVERSED AND REMANDED

DIVISION THREE HOLDS:

Felicia Anthony gave notice to her Employer that she would have to quit her job because her husband, who was a member of the United States Armed Forces, was being transferred to another state. Anthony applied for unemployment benefits but was denied because the Commission found that her decision to quit her employment was voluntary. Anthony now appeals.

In her sole point on appeal, Anthony argues the Commission erred in determining that she was disqualified from receiving unemployment benefits because she did not terminate her employment voluntarily. We agree that an unemployment benefits claimant who must quit employment to move with his or her spouse, who has been transferred as a member of the active duty military, does not quit her work voluntarily, as the circumstances are so compelling that it cannot be said that she made a free choice.

The matter must be remanded back to the Commission for further factual inquiry as to (1) whether Anthony's spouse was in fact transferred out of state as part of the active duty military and (2) whether Anthony acted reasonably with respect to her employment prior to quitting.

Opinion by Gary D. Witt, Judge

November 8, 2011

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